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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/749,657	12/28/2000	Tetsuya Takamori	Q62442	8723
7590	09/22/2006			EXAMINER BRINICH, STEPHEN M
SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC 2100 Pennsylvania Avenue, N.W. Washington, DC 20037-3202			ART UNIT 2625	PAPER NUMBER

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/749,657	TAKAMORI ET AL.
	Examiner	Art Unit
	Stephen M. Brinich	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 28 June 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 22 is/are allowed.
- 6) Claim(s) 1,8,13-21 and 25 is/are rejected.
- 7) Claim(s) 2-7,9-12,23 and 24 is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 28 December 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1, 8, 13-21, & 25 are rejected under 35 U.S.C. 102(b) as being anticipated by Wafler.

Re claim 1, Wafler discloses (Figures 1-2, 5A-5C, & 6; column 6, line 37 - column 7, line 53) an image processing device with an image obtaining section ("Scan Known Original", carried out by means of scanner 6) for obtaining an image to be processed (in this case, the processing is a comparison with a template image, as described at column 6, lines 61-66), an initial image processing condition determination section (Figure 6: first "Are Values Same?" and "Adjust Scanner Parameters to Appropriate I/O Function", carried out by means of controller 7, particularly comparator 124 and the portion of main memory 56 containing the "Known Original Values") for setting an initial image processing condition, an image processing condition determination section (Figure 6: second "Are Values Same?" and "Adjust Scanner Parameters to Appropriate I/O Function", carried out by means of controller 7, particularly comparator 124 and the portion of main memory 56 containing the "Known Test Print Values") for determining a new image processing condition with a

Art Unit: 2625

desired deviation from the initial image processing condition in accordance with the result of applying the initial image processing condition, and a section for setting the new image processing condition accordingly ("Adjust Printer Parameters To Appropriate I/O Function", carried out by means of either automated processing or by operator notification via UI 52, as noted at column 7, lines 2-7). The final resulting image processing condition is set up as a final device calibration.

Re claims 8 & 25, the operation of the Wafler system a plurality of times upon a plurality of initial images (which are inherently "available to the operator", as the operator needs to access them in order to input them) will inherently produce a plurality of image processing conditions (one for each image operated upon).

Re claim 13, Wafler further discloses (column 5, lines 12-32) that the image processing operation is carried out by a computer system (which must inherently follow a set of instructions containing the above described elements in order for the Wafler device to function as disclosed).

Re claims 14-15 & 18-19, Wafler further discloses (column 7, lines 2-7) automatic operation of these steps (i.e. the recited "auto set up" option), which results in the automatic computation of optimum (corresponding to "the amount of

Art Unit: 2625

correction or adjustment needed") parameters for the initial image processing condition.

Re claims 16-17 & 20-21, Wafler further discloses (column 7, lines 3-7) the option of notifying an operator of the type and amount of adjustments to be performed (which inherently requires an output for providing this information in a form understandable to the operator).

Allowable Subject Matter

3. Claims 2-7, 9-12, & 23-24 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

4. Claim 22 is allowed.

5. The following is a statement of reasons for the indication of allowable subject matter:

Re claims 2 & 22 (and dependent claims 3-4, 6, & 9-11), the art of record does not teach or suggest the recited association defining arrangement for defining an association between a first parameter and a plurality of sorts of second parameters defining image processing condition deviations.

Re claim 5, the art of record does not teach or suggest the recited storage of image processing condition deviation values.

Art Unit: 2625

Re claims 7 & 12, the art of record does not teach or suggest the recited display of a handler for a image processing condition deviation adjustment.

Re claim 23, the art of record does not teach or suggest the recited predetermined timing of a plurality of images in conjunction with the recited image processing condition determination and deviation process.

Re claim 24, the art of record does not teach or suggest the recited plurality of images comprising a desired image processing condition deviation in conjunction with the recited image processing condition determination and deviation process.

Response to Arguments

6. Applicant's arguments filed 6/28/06 have been fully considered but they are not persuasive.

Re claim 1, Applicant argues (6/28/06 Remarks: page 11, line 20 - page 12, line 5 and page 13, lines 1-3) that Wafler does not teach or suggest that the obtained parameter values are not used to perform image processing on the original image.

However, the recitation of image processing (e.g. claim 1, lines 6-7; claim 13, lines 8-9; claim 22, lines 6-7) does not require the use of these parameter values to perform image processing.

Re claim 1, Applicant argues (6/28/06 Remarks: page 12, lines 6-18) that Wafler does not teach or suggest that an image processing condition having a deviation from the original image processing condition is obtained, and that such a deviation would defeat the calibration system of Wafler.

However, the calibration system of Wafler includes (Figure 6: "Adjust Scanner Parameters to Appropriate I/O Function") a step for producing an image processing condition having a deviation from the original image processing condition, inasmuch as the next image processing operation (the "Compare Known Test Print Values With Image Signal" step) occurs under conditions determined by this deviation (the "Scan Hard Copy" step that provides this image signal occurs subsequently to the "Adjust Scanner Parameters to Appropriate I/O Function" step, and therefore using the adjusted scanning parameters).

Re claim 1, Applicant argues (6/28/06 Remarks: page 12, lines 19-22) that Examiner cites controller 7 of Wafler as a teaching for two distinct elements of the claim recitation (the initial image processing condition determining section and a later image processing condition determining section).

However, as noted above, Examiner cited two distinct elements within the controller (the portion of main memory 56 containing the "Known Original Values" and the portion of main

Art Unit: 2625

memory 56 containing the "Known Test Print Values", respectively) as readable upon these two claim elements.

Re claim 13, Applicant argues (6/28/06 Remarks: page 13, lines 4-6) that claim 13 recites similar elements to claim 1 and is allowable for at least the same reasons.

Applicant's arguments re claim 1 have been addressed above.

Re claim 17, Applicant argues (6/28/06 Remarks: page 13, lines 8-14) that the obtaining of a deviation of parameter values in Wafler is not determined by an operation performed by an operator, inasmuch as the operator notification in Wafler occurs after the parameter values are obtained.

However, claim 17 simply recites that an operation is performed by an operator of the apparatus, and does not specifically require that the operation performed by the operator determines a deviation of parameter values.

Re claims 2-4, 9-12, & 23-25 Applicant argues (6/28/06 Remarks: page 13, line 16 - page 14, line 2) that these claims are allowable by virtue of their dependence from claim 1.

Applicant's arguments re claim 1 have been addressed above.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2625

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application or proceeding or any inquiry of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 571-272-1000.

The examiner can normally be reached on weekdays 8:00-5:30, alternate Fridays off.

The examiner's unit designation has been changed from "Art Unit 2624" to "Technology Division 2625" (as of March 20, 2006).

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300 (as of July 15, 2005).

Hand-carried correspondence may be delivered to the Customer Service Window, located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

Stephen Brinich
Stephen M Brinich
Examiner
Technology Division 2625

smb
September 7, 2006



THOMAS D.
~~THOMAS~~ LEE
PRIMARY EXAMINER